

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Karyn M. Kelley, et al.

v.

Case No. 20-cv-162-PB

Charles A. Russell, et al.

ORDER

As no objection having been filed as to the Report and Recommendation of Magistrate Judge Daniel J. Lynch dated September 8, 2020, and after due consideration of the objection filed as to the Report and Recommendation of Magistrate Judge Daniel J. Lynch dated May 4, 2020, I herewith approve the report and recommendations and dismiss the Trust's claims without prejudice for failure to prosecute and deny as moot Plaintiff Trust's Application to Proceed in District Court without Prepaying Fees or Costs (Doc. No. 3). "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will

waive the right to appeal).

/s/Paul Barbadoro  
Paul Barbadoro  
United States District Judge

Date: October 13, 2020

cc: Karyn M. Kelley